Exhibit A

MEF Expert Designation and Report CONTAINS ATTORNEY'S EYES ONLY MATERIAL

Briscoe, Adam < ABriscoe@wiley.law>

Fri 9/24/2021 2:47 AM

To: Seth Carson < seth@dereksmithlaw.com>

Cc: Barnes III, Attison <ABarnes@wiley.law>; Sidney Gold <sgold@discrimlaw.net>; Bill Rieser <bri> brieser@discrimlaw.net> ATTACHMENT CONTAINS ATTORNEY'S EYES ONLY MATERIAL PURSUANT TO TERMS OF PROTECTIVE ORDER

Seth,

Pursuant to Fed. R. Civ. P. 26(a)(2) and the Court's Scheduling Order (Dkt. No. 101), attached is Plaintiff's e pert de ignation and report Plea e note that thi report in it entirety ha been de ignated a "Attorney" Eyes Only" pursuant to the terms of the protective order.

Best, Adam



Adam R. Briscoe Attorney at Law abriscoe@wiley.law

Wiley Rein LLP • 1776 K Street NW • Washington, DC 20006 o 202 719 4570

Download V-Card | wiley.law | Bio

NOTICE: This message (including any attachments) from Wiley Rein LLP may constitute an attorneyclient communication and may contain information that is PRIVILEGED and CONFIDENTIAL and/or ATTORNEY WORK PRODUCT. If you are not an intended recipient, you are hereby notified that any dissemination of this message is strictly prohibited. If you have received this message in error, please do not read, copy or forward this message. Please permanently delete all copies and any attachments and notify the sender immediately by sending an e-mail to Information@wiley.law

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

THE MIDDLE EAST FORUM,

Plaintiff,

v.

LISA REYNOLDS-BARBOUNIS,

Civil Action No.: 19-5697

Defendant.

:

PLAINTIFF'S RULE 26(A)(2) DISCLOSURE

Plaintiff The Middle East Forum ("MEF" or "Plaintiff"), by counsel and pursuant to Fed. R. Civ. P. 26(a)(2) and this Court's Scheduling Order, submits this Rule 26(a)(2) Disclosure.

Expert Designations

- 1. Stephen A. Holzen, Managing Director at Stout Risius Ross, LLC, 1015 15th Street NW, Suite 1050, Washington, D.C., 20005, is an expert in the fields of economic and intellectual property damages. Mr. Holzen is expected to testify regarding damages due to MEF for various contractual breaches, misappropriation of trade secrets, and other alleged actions of Defendant Lisa Reynolds-Barbounis. Mr. Holzen's *curriculum vitae* as well as his specific opinions and the basis for those opinions are set forth in the Report of Stephen A. Holzen, attached hereto as Exhibit "1." Mr. Holzen charges \$475.00 an hour for his services.
- 2. Plaintiff also reserves the right to elicit expert testimony from Jamente Cooper, who, on behalf of Contact Discovery Services, LLC, conducted a system reset analysis of a laptop that Defendant used while employed by Plaintiff. The investigation was conducted by Ms. Cooper

in August 2020. Ms. Cooper is expected to opine that a factory reset was performed on

Defendant's laptop on or about August 8, 2019 and that no log files dated prior to August 8, 2019

are present on the laptop. To the extent that Ms. Cooper is called to provide expert testimony, it

is based on her years of experience in the industry and her knowledge of forensic computer

analysis.

3. Plaintiff reserves the right to call any experts properly identified by the Defendant

and not objected to by Plaintiff.

4. Plaintiff also reserves the right to supplement this designation with additional

designations of experts as permitted by the Court, by subsequent court order, by agreement of the

parties, or pursuant to the Federal Rules of Civil Procedure.

Dated: September 23, 2021

THE MIDDLE EAST FORUM

By counsel

s/ Sidney L. Gold

Sidney L. Gold

sgold@discrimlaw.net

Sidney L. Gold & Associates P.C.

1835 Market Street, Suite 515

Philadelphia, PA 19103

Tel: (215) 569-1999

Fax: (215) 569-3870

Attison L. Barnes, III

abarnes@wiley.law

1776 K Street NW

Washington, DC 20006

Tel: (202) 719-7000

Fax: (202) 719-7049

Counsel for The Middle East Forum

CERTIFICATE OF SERVICE

I hereby certify that, on September 23, 2021, I caused the foregoing to be electronically mailed with a copy sent first class mail, postage prepaid to the following counsel:

Seth D. Carson, Esquire Derek Smith Law Group, PLLC 1835 Market Street Suite 2950 Philadelphia, PA 19103 Telephone: (267) 857-0864

Email: seth@dereksmithlaw.com

s/ Sidney L. Gold Sidney L. Gold sgold@discrimlaw.net Sidney L. Gold & Associates P.C. 1835 Market Street, Suite 515 Philadelphia, PA 19103 Tel: (215) 569-1999

Fax: (215) 569-3870

Attison L. Barnes III abarnes@wiley.law Wiley Rein LLP 1776 K Street NW Washington, DC 20006

Tel: (202) 719-7000 Fax: (202) 719-7049

Counsel for The Middle East Forum

Exhibit 1

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

THE MIDDLE EAST FORUM,)))
Plaintiff,)
v.) Case No. 2:19-cv-05697-JS
LISA REYNOLDS-BARBOUNIS,)
Defendant.))
)
)
)

EXPERT REPORT OF

STEPHEN A. HOLZEN

September 23, 2021

HIGHLY CONFIDENTIAL - ATTORNEY'S EYES ONLY

HIGHLY CONFIDENTIAL - ATTORNEY'S EYES ONLY

TABLE OF CONTENTS

			<u>Page</u>
I.	EXPI	ERT WITNESS DISCLOSURE	1
II.	PRO)	FESSIONAL EDUCATION AND BACKGROUND	1
III.	INFO	DRMATION REVIEWED AND/OR RELIED UPON	2
IV.		KGROUND	
	A.	OVERVIEW OF THE RELEVANT PARTIES	3
	1.	PLAINTIFF MEF	
	2.	DEFENDANT BARBOUNIS	6
	3.	NON-PARTY AMY "MEK" MEKELBURG	9
	B.	MEF'S ASSERTED TRADE SECRETS AND CONFIDENTIAL	
		INFORMATION	10
	1.	DONOR INFORMATION PROVIDED TO MEKELBURG	11
	2.	OTHER INFORMATION PROVIDED TO MEKELBURG	
	3.	ADDITIONAL INFORMATION RETAINED BY BARBOUNIS	14
	4.	MEF'S SAFEGUARDS TO PROTECT ITS TRADE SECRETS,	
		CONFIDENTIAL INFORMATION, AND ITS GENERAL OPERATION	S
		AND PERSONNEL	19
	C.	MEF'S ALLEGATIONS AGAINST BARBOUNIS	21
V.	ANA	LYSIS AND OPINIONS	23
	A.	MEF'S CLAIMS AND AVAILABLE REMEDIES	23
	B.	EVIDENCE OF CAUSATION	24
	C.	UNJUST ENRICHMENT	25
	D.	REASONABLE ROYALTIES	32
	1.	OVERVIEW OF REASONABLE ROYALTIES	32
	2.	DATE OF THE HYPOTHETICAL NEGOTIATION	33
	3.	PARTIES TO THE NEGOTIATION	33
	4.	STRUCTURE OF THE HYPOTHETICAL LICENSE AGREEMENT	33
	5.	QUANTITATIVE FACTORS	33
	6.	THE QUALITATIVE FACTORS	
	7.	CALCULATION OF REASONABLE ROYALTY DAMAGES	41
VI	POSS	SIBLE REVISIONS TO THIS REPORT	41

I. EXPERT WITNESS DISCLOSURE

- 1. I have been retained by Wiley Rein LLP ("Counsel") on behalf of The Middle East Forum ("MEF" or "Plaintiff") to perform analyses and provide opinions regarding damages due to MEF assuming there is a finding of liability against Lisa Reynolds-Barbounis ("Barbounis" or "Defendant") for various contractual breaches, misappropriation of trade secrets, and other alleged actions as outlined in Case No. 2:19-cv-05697-JS (the "Matter").
- 2. As in all cases, whether engaged by counsel for a plaintiff or a defendant, I assume for the purpose of calculating damages that Plaintiff will be able to prove its allegations against Defendant. Specifically, I assumed that Defendant will be found liable for the actions alleged in the First Amended Complaint, dated January 15, 2020.

II. PROFESSIONAL EDUCATION AND BACKGROUND

- 3. I am a Managing Director at Stout Risius Ross, LLC ("Stout"). Stout is a premier global financial advisory firm that specializes in Investment Banking, Valuation & Financial Opinions, and Dispute Advisory & Forensic Services. My business address is 1015 15th Street NW, Suite 1050, Washington, DC, 20005. I am a member of Stout's Disputes, Compliance, & Investigations group and its Intellectual Property group.
- 4. I have testified as an expert witness and served as an expert consultant in federal and state courts, at the U.S. International Trade Commission (ITC) and before the U.S. Patent Trial and Appeal Board (PTAB). I have provided analyses in various forums on issues including lost profits, reasonable royalties, unjust enrichment, corrective advertising, domestic industry, public interest factors, exclusion remedies, and secondary considerations.
- 5. I have lectured about intellectual property damages and valuation issues on several occasions and have published articles about intellectual property damages, licensing and valuation issues. I co-authored a book titled "Winning the Patent Damages Case," which serves as a guide for patent litigators and in-house counsel involved in patent infringement matters.
- 6. Over the last 13 plus years, I have served as an expert witness or served as a consultant in a range of litigation matters. While the issues have varied from case to case, most included an analysis and evaluation of economic and financial data for the purpose of determining the extent of damages. Much of my work over the last 13 years has focused on evaluating damages in the context of disputes or consulting with clients to assess the value of their intellectual property. Prior to my consulting career, I served as a Patent Examiner with the U.S. Patent and Trademark Office from 2001 to 2007.
- 7. I hold a Bachelor of Science degree in Mechanical Engineering from the Pennsylvania State University and a Master of Business Administration degree with a concentration in finance from American University. I am a Certified Licensing Professional ("CLP") and a Certified Valuation Analyst ("CVA"). I am a member of the Licensing Executives Society ("LES"), the National Association of Certified Valuators and Analysts ("NACVA"), and the American Intellectual Property Law Association ("AIPLA").

¹ First Amended Complaint, ¶ 7 (pg. 3).

- 8. I am a registered Patent Agent (Registration #56,008) and a member of the American Intellectual Property Law Association. I have Chaired AIPLA's Patent Damages Subcommittee and its Patent Agent Committee. I have been recognized as a leading patent professional in the IAM 1000 in 2019, 2020, and 2021.
- 9. My billing rate is \$475 per hour for services performed in connection with this Matter. The billing rates of other staff assisting me in this Matter range from \$125 to \$715 per hour. In addition, Stout will be reimbursed for all reasonable out-of-pocket expenses incurred in connection with my analyses and testimony in this case. Neither my compensation, nor Stout's compensation, depends on the outcome of this Matter or the opinions expressed in this report.
- 10. A copy of my curriculum vitae is provided as **Exhibit A**, which includes a more detailed description of my education and my professional experience. This report contains my opinions with respect to damages adequate to compensate the Plaintiff. My report also includes additional information required by Federal Rule of Civil Procedure 26(a)(2)(B).

III. INFORMATION REVIEWED AND/OR RELIED UPON

- 11. This report summarizes my opinions and explains the bases for my expected testimony in connection with Plaintiff's claims against the Defendant. In developing my opinions in this Matter, my staff and I reviewed and/or relied upon documents to learn about the industry, the parties, and the issues involved in this Matter. I attach to this report a list of the documents relied upon by me and/or those under my direction in **Exhibit B**.
- 12. This information includes but is not limited to:
 - Legal filings in this Matter;
 - Documents produced by Plaintiff and Defendant;
 - Deposition testimony of certain individuals, including:
 - o Daniel Pipes ("Pipes");²
 - o Gregg Roman ("Roman");³
 - o Amy Mekelburg ("Mekelburg");4
 - o Marnie O'Brien ("O'Brien");⁵ and
 - o Barbounis.6
 - Interviews of individuals related to Plaintiff, including:
 - o Roman;⁷
 - o Pipes;8 and

² ROUGH Deposition of Daniel Pipes dated September 2, 2021 (the "Pipes Deposition").

³ ROUGH Deposition of Gregg Roman dated September 3, 2021 (the "Roman Deposition").

⁴ Deposition of Amy Mekelburg dated February 11, 2021 (the "Mekelburg Deposition").

⁵ Deposition of Marnie O'Brien dated June 15, 2021 (the "O'Brien Deposition").

⁶ Deposition of Lisa Reynolds-Barbounis dated September 14, 2021 (the "Barbounis Deposition").

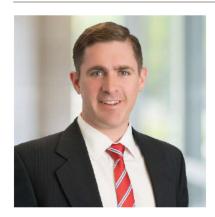
⁷ Roman was interviewed on September 10, 2021, September 15, 2021, and September 20, 2021.

⁸ Pipes was interviewed on September 15, 2021.

Exhibit A

Managing Director **Disputes, Compliance, & Investigations**





Washington, DC USA Office: +1.202.370.2403 Mobile: +1.202.557.9416 sholzen@stout.com

Education

M.B.A., Finance, American University B.S., Mechanical Engineering, Penn State University

Designations

Certified Valuation Analyst (CVA) Registered Patent Agent, #56,008

Practice Areas

Intellectual Property Disputes Intellectual Property/Intangible Assets Valuation Complex Business Litigation

Complex Business Litigation
Trade Secrets & Restrictive Covenants

Steve Holzen is an expert witness and a consultant on a broad range of financial and economic issues. He provides liability and damages analyses in complex commercial disputes including patent, trademark, copyright, trade secret, and breach of contract litigations and in international trade investigations. He also frequently consults on non-litigation projects involving healthcare compliance, transactions, and strategic business decisions. Corporations and attorneys benefit from his well-rounded and comprehensive understanding of intellectual property issues including strategic assessments, risk analyses, economic damages, due diligence, early and pre-case assessments, fair market value assessments for healthcare compliance purposes, and other complex topics.

He has testified as an expert witness and served as an expert consultant in federal and state courts, at the U.S. International Trade Commission (ITC) and before the U.S. Patent Trial and Appeal Board (PTAB). He has provided opinions in various forums on issues including lost profits, reasonable royalties, unjust enrichment, corrective advertising, domestic industry, public interest factors, permanent injunction, exclusion remedies, and commercial success.

In addition, Mr. Holzen has lectured about intellectual property damages and valuation issues on several occasions and has published articles about intellectual property damages, licensing and valuation issues. He coauthored a book titled "Winning the Patent Damages Case" which serves as a guide for patent litigators and in-house counsel involved in patent infringement matters. Prior to his consulting career, Mr. Holzen served as a Patent Examiner with the U.S. Patent and Trademark Office. As a patent examiner, Steve assessed the novelty and obviousness of technology from the following industries: Aeronautics, Astronautics, Mechanical Guns and Projectors, Animal Husbandry, Firearms, Ammunition and Explosive-Charge Making, Ordnances, and Ammunition and Explosives. He is a registered Patent Agent and is an active member of the American Intellectual Property Law Association.

Professional Memberships

- AIPLA Patent Damages Subcommittee of the Patent Litigation Committee (Chair, 2017-2018 and Vice Chair, 2016-2017)
- AIPLA Patent Agents Committee (Chair, 2014-2016)
- AIPLA Local Networking Subcommittee of the New Lawyers Committee (DC Chapter Chair 2012-2014)
- LES Washington DC Chapter Vice Chair (2018-present)

Recognitions

Mr. Holzen has been nationally recognized as a top economic expert witness by the IAM Patent 1000 in 2019, 2020, and 2021.

Managing Director **Disputes, Compliance, & Investigations**



Publications

"The Economics of Patent Law Applied to Pre-Litigation Assessments" The Stout Journal, Fall/Winter 2018

"Patent Damages 2017: A Year in Review," AIPLA.org, February 1, 2018

"The Use and Misuse of Forward Citation in Patent Infringement Damages" The Stout Journal, Fall/Winter 2017

"Artificial Intelligence: Does it Work for Patent Valuation?" The Stout Journal, Spring/Summer 2017

"2016 Year in Review – U.S. Patent Damages Cases of Significance," AIPLA.org, February 1, 2017

Holzen, Stephen & Cauley, Richard (2016). Winning The Patent Damages Case: A Litigator's Guide To Economic Models And Other Damage Strategies. New York: LexisNexis.

"Akamai Technologies, Inc. v. Limelight Networks, Inc. Federal Circuit Weighs in on Lost Profits Opinion Involving Head-to-Head Competitors," *The Stout Journal*, Spring 2016 [Republished by American Bar Association as "Lost Profits Involving Head-to-Head Competitors," (Spring 2016)]

"An Insider's Perspective—Patents and the Patent System: An Interview with Former Commissioner Robert Stoll," The Stout Journal, Fall 2014

"Does a Small Claims Court for Patent Infringement Make Economic Sense?" *Litigation Perspectives*, Winter 2013

"The Impact of Non-Infringing Alternatives on Patent Damages," Litigation Perspectives, Summer 2013

Speeches and Seminars

"Recent Court Decisions Affecting Patent Damages," CLE presentation to Sheppard Mullin, June 30, 2020

"Not your Mother's Trade Secrets" CLE presentation to General Electric, February 27, 2020

"Keep Your Eye on the Remedy Ball," AIPLA 2018 Spring Meeting, Panelist and Presenter, Seattle Washington, May 15, 2018

"Dress for Success," AIPLA's Career & Practice Management Discussions Series, December 14, 2017

"Settlement Agreements as Comparables: New Comprehensive Analysis from the Federal Circuit," IP Chat Channel, IPO, April 20, 2017.

"Claim Draftsmanship and the Entire Market Value Rule," 2017 IP Damages Symposium, Licensing Executives Society, Washington D.C., February 23, 2017

"Numbers Are Your Friends: Exploring the Intersection of IP Valuation and Damages," 2016 Intellectual Property Boot Camp, Washington, D.C., November 9, 2016

Investment Banking | Transaction Advisory | Valuation Advisory | Disputes, Compliance, & Investigations stout.com

Managing Director **Disputes, Compliance, & Investigations**



"IP Valuation," Jones Day, Washington, D.C., November 8, 2016

"Patent Valuations and the Impact of Claim Drafting," Pauline Newman IP American Inn of Court, Alexandria, VA, October 19, 2016

"Reasonable Royalty in Patent Damages: What you Need to Know in 2016," The Knowledge Group LIVE Webcast, Friday, July 29, 2016

"The Role of IP Valuation in M&A Due Diligence", IP Due Diligence in Corporate Transactions, Kramer Levin Naftalis & Frankel LLP, New York City, NY, November 11, 2015

"Technology Licensing and Valuation," Instituto De Capacitacion E Investigacion Del Plastico Y Del Caucho (ICIPC), Medellin, Antioquia, Colombia, October 19, 2015

"Fundamental and Technical IP Assessments," Instituto De Capacitacion E Investigacion Del Plastic Y Del Caucho (ICIPC), Medellin, Antioquia, Colombia, October 19-20, 2015

"IP Valuations: From the Boardroom to the Courtroom", MorganLewis, Washington DC, May 8, 2015

"Connected Cars: A Platform For Information", New York Auto Show Symposium, New York City, NY, April 1, 2015

"The IP Marketplace," American Intellectual Property Law Association, Mid-Winter Institute, Orlando, FL, January 28, 2015

"Say What? Improving Written & Oral Communication Skills For Success," American Intellectual Property Law Association, Webinar, January 20, 2015

"Strategies for Monetizing and Maximizing the Value of Your Global IP Portfolio," World Services Group ("WSG"), Patent Law Workshop, Ulmer & Berne LLP, Cleveland, Ohio. October 15, 2014

"Valuing Intellectual Property: What's in the Tool Box?" Maryland State Bar Association, Intellectual Property Section, April 2013

"LES Valuation and Damages Course," LES Chapter Meeting, Washington, DC, December 2011

"LES Valuation and Damages Course," LES Chapter Meeting, Reston, VA, June 2011

"Business and Intellectual Property Valuation," National Institutes of Health, Foundation For Advanced Education In The Sciences, May 2011

"Lessons Learned: A Review Of i4i Ltd. v. Microsoft Corp.," Maryland State Bar Association, June 2010

"Valuation of Intellectual Property," Beta Gamma Sigma, George Washington University, October 2009

"The Developing Intellectual Property Marketplace," Aerospace Industries Association, Intellectual Property Committee Meeting, April 2009

Investment Banking | Transaction Advisory | Valuation Advisory | Disputes, Compliance, & Investigations

Managing Director **Disputes, Compliance, & Investigations**



"Next Steps Workshop," NASA Goddard SBIR\STTR Conference, March 2009

Testimony, Expert Reports, and Expert Retentions (2010 to Present)

Expert Report in re: Nano-Second Technology Co., Ltd v. Dynaflex International and GForce Corporation d/b/a DFX Sport and Fitness, U.S. District Court for the Central District of California. Subject matter: Patent infringement (report issued in 2013).

Expert Retention in re: VitalStim, LLC et al v. eSwallow USA, LLC, U.S. District Court for the Northern District of Georgia. Subject matter: Patent infringement (retained in 2014).

Expert Retention in re: Eric F. Holt V. Nashwa Holt, Circuit Court for Montgomery County, Maryland. Subject matter: Patent valuation (retained in 2015).

Expert Report in re: Tele-Consultants, Inc. v. LinQuest Corp., BTP Systems, LLC, Michael Girard and Patrick Kidwell, Virginia Circuit Court for the County of Fairfax. Subject matter: Breach of duty of loyalty, misappropriation of trade secrets, tortious interference with contracts, tortious interference with business relationships, defamation, violation of the Virginia Computer Crimes Act, unjust enrichment, and statutory and common law conspiracy (report issued in 2015).

Expert Retention in re: Plano Encryption Technologies, LLC v. Citizens National Bank, U.S. District Court for the Eastern District of Texas (Marshall). Subject matter: Patent infringement (retained in 2016).

Expert Retention in re: Microsoft Corporation v. Bradium Technologies LLC, United States Patent and Trademark Office, Patent Trial and Appeal Board. Subject Matter: Secondary Considerations of Obviousness for Inter Partes Review, PTAB Case No. IPR 2016-00448 (retained in 2016).

Expert Retention in re: Microsoft Corporation v. Bradium Technologies LLC, United States Patent and Trademark Office, Patent Trial and Appeal Board. Subject Matter: Secondary Considerations of Obviousness for Inter Partes Review, PTAB Case No. IPR 2016-00449 (retained in 2016).

Expert Report and Deposition in re: Edward L. Blenderman v. LifeWave, Inc., U.S. District Court for the Southern District of Florida. Subject matter: Patent infringement (deposition and report issued in 2017).

Expert Report and Deposition in re: M-Edge International Corporation v. LifeWorks Technology Group LLC, U.S. District Court for the District of Maryland. Subject matter: Patent infringement (deposition and report in 2017).

Expert Retention in re: Plano Encryption Technologies, LLC v. State Farm Mutual Automotive Insurance Company, U.S. District Court for the Eastern District of Texas (Marshall). Subject matter: Patent infringement (retained in 2017).

Expert Retention in re: Applied Medical Technology, Inc. v. Corpak MedSystems, Inc., U.S. District Court for the Northern District of Ohio (Cleveland). Subject matter: Patent infringement (retained in 2017).

Expert Reports in re: Nanticoke Lenni-Lenape Tribal Nation v. Christopher S. Porrino, Attorney General of New Jersey, Superior Court of New Jersey Law Division, Mercer Country. Subject Matter: Civil Rights (reports in 2018).

[&]quot;Auctioning Federal IP Licensing Rights," Licensing Executives Society, Hogan Lovells, February 2009

Managing Director **Disputes, Compliance, & Investigations**



Expert Report in re: Ashoke Deb v. SIRVA Inc., and Allied Van Lines Inc., U.S. District Court, Southern District of Indiana, Indianapolis Division. Subject matter: Intellectual property valuation (report in 2018).

Expert Reports and Deposition in re: Eric McNatt v. Richard Prince, et al, U.S. District Court for the Southern District of New York. Subject matter: Copyright infringement (Reports and Deposition in 2018).

Expert Reports and Deposition in re: Donald Graham v. Richard Prince, et al, U.S. District Court for the Southern District of New York. Subject matter: Copyright infringement (Reports and Deposition in 2018).

Expert Reports and Deposition in re: Joao Bock Transaction Systems, LLC, Delaware Bankruptcy Court. Subject matter: Patent valuation (reports in 2018, deposition in 2019).

Expert Report in re: Certain LED Lighting Devices and Components Thereof, United States International Trade Commission. Subject matter: ITC Section 337 Investigation for Patent Infringement and issues related to a General Exclusion Order (report in 2018).

Expert Retention in re: Certain Microperforated Packaging Containing Fresh Produce, United States International Trade Commission. Subject matter: ICT Section 337 Investigation for Patent Infringement and issues related to a Domestic Industry (retained in 2018).

Expert Declaration and Deposition in re: Next Caller Inc. vs. Trust ID. Inc., USPTO, Case IPR2019-00039. Subject matter: Secondary considerations of non-obviousness (commercial success) (declaration and deposition in 2019).

Expert Report, Deposition, and Trial in re: TrustID Inc. v. Next Caller Inc., U.S. District Court for the District of Delaware. Subject matter: Patent infringement (damages, commercial success, permanent injunction reports in 2019 and 2020; deposition in 2020; trial in 2021).

Expert Reports and Deposition in re: TrustID Inc. v. Next Caller Inc., U.S. District Court for the District of Colorado. Subject matter: Breach of Contract (reports in 2019 and 2020, deposition in 2020, trial in 2021).

Expert Report in re: Graphic Packaging International, LLC v. Inline Packaging, LLC, U.S. District Court for the District of Minnesota, Subject matter: Patent infringement (retained in 2019 and report in 2020).

Expert Report and Deposition in re: Steven Douglas Coleman vs. Maria Kim Grand, U.S. District court for the Eastern District of New York. Subject matter: Defamation (economic damages report and deposition in 2019).

Expert Retention in re: Leslie Casey, Executor of Estate of John Casey, et al vs. Yale University, Superior Court Judicial District of Fairfield at Bridgeport, Connecticut. Subject matter: Wrongful death (retained in 2019).

Expert Report in re: Robert Teti and ITET Corporation vs. Mueller Water Products Inc., et al., Canadian Superior Court of Justice for the Province and Territory of Ontario. Subject matter: Breach of contract (report issued in 2020).

Expert Reports in re: Fuma International LLC vs. RJR Reynolds Vapor Company, U.S. District Court for the Middle District of North Carolina. Subject matter: Patent infringement (patent marking report issued in 2020 and damages reports issued in 2020).

Expert Report in re: Trevor Andrew Bauer v. Brent Pourciau, Top Velocity, LLC, Hauser Productions, LLC, Houston Casualty Company, And Wilshire Insurance Company, U.S. District Court for the Eastern District of Louisiana. Subject matter: False advertising (report issued in 2020).

Expert Report in re: Ely Holdings Limited, et al. v. O'Keefe's, Inc., U.S. District Court for the Northern District of California. Subject matter: Patent infringement, false advertising, and tortuous interference (report issued in 2020).

Investment Banking | Transaction Advisory | Valuation Advisory | Disputes, Compliance, & Investigations stout.com

Managing Director **Disputes, Compliance, & Investigations**



Expert Report in Jesse Mesmer, Tim Reese, and Big Fish Partners vs. Maggie Browney and Lindsay Francis as Co-Trustees of the Wayne D. Miller Revocable Living Trust Dated May 21, 2013, In the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, Case No. 18-CA-2840. Subject Matter: Patent Valuation (report in 2020).

Expert Retention in Autronic Plastics, et al vs. Apogee Lighting, et al.; U.S. District Court for Eastern District of New York, Central ISLIP Division. Subject matter: Patent Infringement (retained in 2020).

Expert Report in Jonathan B. Foxx v. United Parcel Service, Inc.; U.S. District Court for Eastern District of Virginia, Richmond Division. Subject matter: Unlawful termination (report in 2021).

Expert Report in re: Software Pricing Partners, LLC vs. James H. Geisman, District Court, Western District of North Carolina, Charlotte Division. Subject matter: breach of contract (rebuttal report in 2021).

Expert report in Jonathan B. Foxx v. United Parcel Service, Inc.; U.S. District Court for Eastern District of Virginia, Richmond Division. Subject matter: Unlawful termination (report in 2021).

Expert Report in re: VideoShare vs. Google LLC and YouTube, LLC; Western District of Texas, Waco Division. Subject matter: Patent infringement (report in 2021).

Expert Retention in re: STC.UNM vs. Dell Technologies Inc., Dell Inc., and EMC Corporation, Western District of Texas, Waco Division. Subject Matter: Patent infringement (retained in 2021).

Expert Retention in re: TrackThings vs. Amazon.com and Eero LLC; Western District of Texas, Waco Division. Subject Matter: Patent infringement (retained in 2021).

Expert Retention in re: TrackThings vs. Netgear, Inc.; Southern District of New York, Subject Matter: Patent infringement (retained in 2021).

Expert Retention in re: Better Holdco, Inc. v. Beeline Loans, Inc.; Southern District of New York: Trade secret misappropriation (retained in 2021).

Expert Report in re: Jeffrey B. Levine v. Virginia Eagle Distributing Company, LLC, District Court, Eastern District of Virginia, Alexandria Division. Subject matter: wrongful termination (report issued in 2021).